

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FRED CHISOM,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C06-260-JLR-MJB

ORDER OF TRANSFER

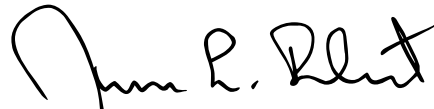
Petitioner is a state prisoner who is currently incarcerated at the Washington Corrections Center in Shelton, Washington. He has submitted to this Court for review a petition for writ of habeas corpus under 28 U.S.C. § 2254. Petitioner identifies a 2000 conviction in King County Superior Court as the conviction under attack in the instant petition.

A review of this Court's records reveals that petitioner has filed at least three previous federal habeas petitions challenging the same 2000 King County Superior Court conviction. (*See* C02-2048TSZ, C04-2261JCC, and C05-1133RSM.) The first of those petitions was denied on the merits and dismissed by the Court in April 2003. (*See* C02-2048TSZ.) The two remaining petitions were deemed successive and were transferred to the Ninth Circuit Court of Appeals. (*See* C04-2261JCC, and C05-1133RSM.)

1 Because petitioner has filed at least three previous federal habeas petitions challenging the  
2 same conviction which he seeks to challenge in the instant petition, including one which was  
3 denied on the merits, the instant petition must be deemed successive. As petitioner has previously  
4 been advised, this Court is without jurisdiction to consider a successive petition or motion until  
5 the Ninth Circuit Court of Appeals has authorized its filing. 28 U.S.C. § 2244(b)(3)(A).  
6 Accordingly, this case is hereby TRANSFERRED to the Ninth Circuit Court of Appeals, in the  
7 interests of justice, pursuant to 28 U.S.C. § 1631.  
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9 The Clerk is directed to close this case and to transfer all original documents to the Ninth  
10 Circuit Court of Appeals. The Clerk shall, however, retain a copy of the motion and of this Order  
11 in the file. The Clerk is further directed to send a copy of this Order to petitioner and to the  
12 Honorable Monica J. Benton.

13 DATED this 20th day of April, 2006.

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16 JAMES L. ROBART  
17 United States District Judge

18 Recommended for Entry this  
19 20th day of April, 2006.

20 /s/Monica J. Benton  
21 MONICA J. BENTON  
22 United States Magistrate Judge